

ASSEMBLY BILL

No. 1615

Introduced by Assembly Member Miller

February 8, 2012

An act to amend Section 9615 of the Business and Professions Code, relating to cemeteries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1615, as introduced, Miller. Cemeteries.

Existing law, the Cemetery Act, provides for the licensure and regulation of cemeteries, crematories, and their personnel by the Cemetery and Funeral Bureau within the Department of Consumer Affairs. Existing law requires a person who has had a license or registration under the jurisdiction of the bureau revoked, suspended, placed on probation, or surrendered under a stipulated decision, within the immediately preceding 10 years, and who is employed by or who seeks employment with, a licensed cemetery, a licensed crematory, or a licensed cemetery broker to so inform the cemetery manager, crematory manager, or cemetery broker, respectively, as defined.

This bill would make a nonsubstantive change to the latter provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9615 of the Business and Professions
- 2 Code is amended to read:
- 3 9615. (a) (1) Any person who holds or has held, or was named
- 4 on, any license or registration under the jurisdiction of the bureau

1 that has been, within the immediately preceding 10 years, revoked,
2 suspended, placed on probation, or surrendered under a stipulated
3 decision, and who is employed by, or who seeks employment with,
4 a licensed cemetery, a licensed crematory, or a licensed cemetery
5 broker in any capacity, shall inform the licensed cemetery manager,
6 the licensed crematory manager, or the licensed cemetery broker
7 of that revocation, suspension, probation, or surrender.

8 (2) A person subject to this subdivision shall inform the licensed
9 cemetery manager, the licensed crematory manager, or the licensed
10 cemetery broker upon application for employment by completing
11 a form that shall be made available by the bureau.

12 (b) The cemetery manager, crematory manager, or cemetery
13 broker who is informed pursuant to subdivision (a) shall notify the
14 bureau by submitting the form within 30 days ~~of~~ *following* being
15 so informed. Failure of the cemetery manager, crematory manager,
16 or cemetery broker to notify the bureau shall be a cause for a
17 warning. A cemetery manager, crematory manager, or cemetery
18 broker shall not be subject to a warning if his or her failure to
19 notify the bureau is due to a false statement made by an employee.

20 (c) Any person required to notify the cemetery manager,
21 crematory manager, or cemetery broker under subdivision (a) who
22 fails to do so or who makes a false statement on the required form
23 shall be subject to disciplinary action if that person is a licensee
24 of the bureau, or that failure or false statement shall be cause for
25 denial of a license under Section 480.

26 (d) For purposes of subdivision (a), the term “named on” applies
27 to a person who was an owner, partner, or corporate officer of an
28 entity that was licensed or registered under the act at the time that
29 entity’s license or registration under the act was revoked,
30 suspended, placed on probation, or surrendered.